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601 W. Riverside Ave.  
1900 Bank of America Financial Center  
Spokane, WA 99201  
Telephone: (509) 838-6131

Attorneys for Defendants

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

LAURA VANCE,

Plaintiff,

vs.

No. CV-10-036-LRS

MARK T. CASE and JANE DOE CASE,  
husband and wife; SUTTELL &  
ASSOCIATES, P.S., CAITLIN R.  
FINLEY and JOHN DOE FINLEY, wife  
and husband, and MALISA L. GURULE  
and JOHN DOE GURULE, wife and  
husband,

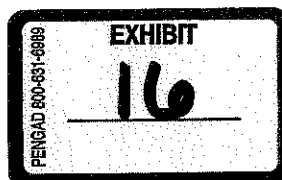
PLAINTIFF'S FIRST SET OF  
INTERROGATORIES TO DEFENDANT  
SUTTELL & HAMMER, P.S.  
**WITH ANSWERS**

Defendants.

I. FRCP 34, Request for Production

Pursuant to the Federal Rules of Civil Procedure, Rule (FRCP 34), Plaintiff, Laura Vance hereby requests that the Defendant, Suttell & Hammer, P.S., produce and/or permit the Plaintiff's representatives to inspect, copy, test, or sample the items in the Defendant's possession, custody or control identified below including:

DEFENDANT SUTTELL'S ANSWERS  
TO PLAINTIFF'S FIRST SET OF  
INTERROGATORIES -- 1



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1 Any documents or electronically stored information designated below — including  
2 writings, drawing, graphs, charts, photographs, sound recordings, images, and other data  
3 or data compilations — stored in any medium from which information can be obtained  
4 either directly or, if necessary, after translation by the responding party into a reasonably  
5 usable form; and/or

6 Any tangible things designated below; and/or

7 Permission to enter land or other property possessed or controlled by the  
8 responding party, so that the requesting party may inspect, measure, survey, photograph,  
9 test, review computer data, or sample the property or any designated object or operation  
10 on it.

## 11 II. Time and Place for Production

12 The production should be made on or before August 23, 2010 (30 days from the  
13 service of this request) at:

14 Michael D. Kinkley, P.S.  
15 4407 N. Division, Suite 914  
16 Spokane, WA 99207

## 17 III. Instructions

18 If you are declining to produce any document or respond to any paragraph in  
19 whole or in part because of a claim of privilege, please:

- 20 a. identify the subject matter, type (e.g., letter, memorandum), date, and author  
21 of the privileged communication or information, all persons that prepared or  
22 sent it, and all recipients or addressees;
- 23 b. identify each person to whom the contents of each such communication or  
24 item of information have heretofore been disclosed, orally or in writing;
- c. state what privilege is claimed; and
- d. state the basis upon which the privilege is claimed.

1 If any document requested was, but no longer is, in your possession or subject to  
2 your control, please state:

- 3 a. the date of its disposition; and
- 4 b. the manner of its disposition (e.g., lost, destroyed, transferred to a third  
5 party); and
- 6 c. an explanation of the circumstances surrounding the disposition of the  
7 document.

8 **Other instructions and definitions to be used in making your response are  
9 attached hereto as Exhibit 1.** If any paragraph of this request is believed to be  
10 ambiguous or unduly burdensome, please contact the undersigned and an effort will be  
11 made to remedy the problem.

#### 12 IV. INTERROGATORIES

13 INTERROGATORY #1. Please trace the money received from Michael Vance on  
14 August 26, 2008, Numerical Cashier's Check 0-0000071603 in the amount of \$3,610.57  
15 and identify all bank accounts in which any portion of the money was deposited into,  
16 transferred into or out of, or withdrawn from.

17 RESPONSE: The payment was received on and applied on August 26, 2009  
18 to a Midland Funding LLC account belonging to Michael G. Vance who resides in  
19 Spokane County, Washington. Because the payment did not reference the account of  
20 Laura Vance, the funds were applied to this account because it was the only active  
21 account in Suttell's office belonging to a Michael Vance residing in Spokane County.  
22 Upon execution of a Stipulated Protective Order, this answer will be supplemented.

23 INTERROGATORY #2. Please identify all procedures that Suttell & Hammer,  
24 P.S. applied regarding the receipt of money from Michael or Laura Vance.

25 RESPONSE: A Suttell accountant notifies a Suttell attorney if there is a  
26 question on how to apply a payment. In this case, because plaintiff failed to designate her  
27 name, the Suttell file number, the credit account number, the name of the creditor  
28 (HSBC), or a Superior Court Cause Number on the check, the accountant selected the  
29 account of Michael G. Vance because it was the only active account that referenced the  
30 only two identifying marks on the check, (1) Michael Vance and (2) Spokane County,  
31 because the check was issued by Numerica Credit Union in Spokane, Washington. With

DEFENDANT SUTTELL'S ANSWERS  
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INTERROGATORIES -- 3

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1 this information, Karen Hammer authorized the check to be applied to the account of  
 2 Michael G. Vance. Upon execution of a Stipulated Protective Order, this answer will be  
 3 supplemented.

4 INTERROGATORY #3. Please identify all procedures that Suttell & Hammer,  
 5 P.S. applies regarding the receipt of money from any alleged debtor.

6 RESPONSE: When Suttell receives money from a debtor, an accountant  
 7 applies the funds to the appropriate account. If an accountant has a question as to the  
 8 application of the funds, the accountant will notify a Suttell attorney who will review the  
 9 file and decide how or if the funds are to be applied.

10 INTERROGATORY #4. Please describe the relationship between HSBC Bank,  
 11 Nevada, N.A. and Suttell & Hammer, P.S. including the manner in which any funds  
 12 collected on An HSBC Bank Nevada, N.A. account would be distributed. For example, if  
 13 the amount alleged owed and the attorney fee requested in the Complaint filed in *HSBC*  
 14 *Bank Nevada, N.A., v. Laura Vance*, Spokane County Superior Court Case  
 15 No.: 08-2-02119-4, were fully collected, how would those funds be divided or dispersed?

16 RESPONSE: **Objection.** This request seeks information that is protected by  
 17 the attorney/client privilege.

18   
 19 CARL E. HUEBER

20 Subject to this objection and without waiving this objection, Suttell will produce a  
 21 copy of the requested information pursuant to a Stipulated Protective Order.

22 INTERROGATORY #5. Please identify and describe all procedures that Suttell &  
 23 Hammer, P.S. applies before initiating supplemental proceedings against alleged debtors.

24 RESPONSE: If there is an outstanding judgment against the debtor in excess  
 of a sum certain, which varies by individual county, Suttell will initiate a supplemental  
 proceeding to examine the debtor to ascertain information relevant to the ultimate  
 satisfaction of the judgment.

DEFENDANT SUTTELL'S ANSWERS  
 TO PLAINTIFF'S FIRST SET OF  
 INTERROGATORIES - 4

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1 INTERROGATORY #6. Describe the maintenance of all procedures utilized by  
2 the Defendant to avoid violation of the Fair Debt Collection Practices Act.

3 RESPONSE: See Response to Request for Production No. 11. By way of  
4 further answer, Suttell utilizes training and testing materials which will be provided upon  
5 execution of a Stipulated Protective Order.

6 INTERROGATORY #7. Provide the names of all employees who were involved  
7 with the Vance account, the nature of their involvement, this including but not limited to  
8 all persons who were in contact with Plaintiffs telephonically or by mail, and the content  
9 of any conversations.

10 RESPONSE: See attached documents Suttell 0001 to 0019. By way of  
11 further answer, please see below:

12	WGS	William Suttell	Attorney
13	MAM	Matt Monahan	Non-Attorney
14	SEL	Susan Leisos	Non-Attorney
15	NJU	Nick Upshaw	Non-attorney
16	MQP	Michelle Phan	Non-attorney
17	RLB	Rebecca Benson	Non-attorney
18	TZH	Tu Uyen Huynh	Non-attorney
19	PZC	Penelope Chimonce	Non-attorney
20	MSC	Melissa Carlson	Non-attorney
21	ILH	Isaac Hammer	Attorney
22	TAG	Tonya Gores	Non-attorney
23	DFK	Dan King	Non-attorney
24	KZL	Kelli Liao	Non-attorney
	DLS	Debbi Stewart	Non-attorney
	CEE	Courtney Eckerd	Non-attorney
	JLO	Jennifer Omtvedt	Non-attorney
	MTC	Mark Case	Attorney
	KCH	Kelli Huerta	Non-attorney
	MLG	Macdlita Glover	Non-attorney
	KEF	Kristina Fredrickson	Non-attorney
	EMH	Erika Horton	Non-attorney

DEFENDANT TUTTELL'S ANSWERS  
TO PLAINTIFF'S FIRST SET OF  
INTERROGATORIES -- 5

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JSC	Jameka Combs	Non-attorney
KAF	Kesha Fountain	Non-attorney
ALM	Ash Mandalika	Non-attorney
JKS	Jamie Sopian	Non-attorney
TJM	Tyler Moore	Attorney
NZH	Nohaka Huerta	Non-attorney
MAG	Melissa Garber	Non-attorney
JMC	Jeannie Conrad	Non-attorney
EAH	Erica Horton	Non-attorney
JMW	Jennifer Wint	Non-attorney
SAC	Scott Coman	Non-attorney
RML	Rochelle Lewis	Non-attorney
MLS	Mitch Steinbach	Non-attorney
MZR	Morgan Root	Non-attorney
ANH	Amanda Hansen	Non-attorney
DWK	Deena Kamelman	Non-attorney
JAL	Judy Lim	Non-attorney
EAC	Erin Cockerill	Non-attorney

INTERROGATORY #8. When Mark Case was told by Michael and Laura Vance on April 2, 2009, at the supplemental hearing (when service had not yet been accomplished) that the debt was paid the prior summer what steps did Case take when he returned to his office to investigate Plaintiffs' allegation?

RESPONSE: Mark Case had been scheduled to be in Spokane County conducting numerous hearings on April 2 and 3, 2009. Suttell had not received confirmation that service of the supplemental proceeding of Laura Vance that had been scheduled for April 2, 2009 was timely and that hearing was stricken. As a result, Mr. Case did not have the Vance file with him or an opportunity or reason to review the Vance file at the time Mr. Vance confronted Mr. Case at the courthouse. Laura Vance's name was not on any docket that was in the possession of Mr. Case. Mr. Case told Mr. Vance that because he did not have Laura Vance's file, he could not answer any questions about the case but that Mr. Vance was free to leave the courthouse because the hearing had been stricken and, furthermore, since Mr. Vance was not a party, he was under no obligation to appear. Mr. Case also told Mr. Vance that he should contact Suttell if he had any questions about the case. Mr. Case provided Mr. Vance with the

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1 telephone number for Suttell. Mr. Case also told Mr. Vance that if he was claiming to  
2 have paid the judgment balance to Suttell, he should promptly send proof of that payment  
3 to Suttell. Mr. Vance then hastily left the courthouse. Due to the number of people  
4 Mr. Case met with over the two day period and the short abrupt nature of the  
5 conversation with Mr. Vance, Mr. Case did not remember Mr. Vance or Laura Vance's  
6 name upon return to Bellevue some days later.

7 INTERROGATORY #9. When Michael Vance received a telephone message  
8 from Mr. Case on or about December 8, 2008, what account did Mr. Case reference when  
9 he stated that the check in the amount of \$3,610.57, was applied to an account under the  
10 name of Michael Vance?

11 RESPONSE: Because Michael Vance rather than Laura Vance had contacted  
12 Mr. Case, there was some confusion as to what account was actually being discussed.  
13 Mr. Case requested that Laura Vance provide a copy of the check that was claimed to  
14 have settled the account. Mr. Vance faxed a copy of the check to Mr. Case, however, he  
15 failed to attach a fax cover sheet or put any identifying mark on the check relating to it.  
16 Laura Vance's HSBC account. When Mr. Case received the fax, he was unable to recall  
17 Laura Vance's first name and the subsequent account. Mr. Case did, however, have  
18 Michael Vance's name and phone number listed on a note on his desk from a previous  
19 conversation. Mr. Case called Mr. Vance and advised him that it appeared that a  
20 payment had been received by Suttell and possibly applied to the wrong account.  
21 Mr. Case stated that he could not remember Mrs. Vance's (Laura) first name. Mr. Case  
22 unequivocally requested that Michael Vance return his call and advise him of his wife's  
23 name (Laura) so the matter could be resolved. Mr. Vance never returned the phone call  
24 or provided any further documentation to connect the payment to the HSBC account of  
Laura Vance.

1 INTERROGATORY #10. After Mr. Case learned that the check was misapplied  
2 to the wrong account, what steps were taken to:

- 3 a. Reinstate an account for a "Michael Vance"?  
4 b. Credit the account for Plaintiff Laura Vance?  
5 c. What trust account ledger transactions were made?

6 RESPONSE: Upon receipt of the check from Mr. Kinkley, the Suttell  
7 Accounting Department was directed to adjust the "Michael Vance" account and credit  
8 the payment to plaintiff Laura Vance. This answer will be supplemented upon the  
9 execution of a Stipulated Protective Order.

10 Dated this the 23rd day of July, 2010.

11 *Michael D. Kinkley, P.S.*

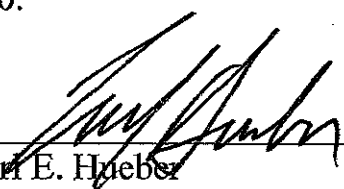
12 Scott M. Kinkley  
13 Attorney for Plaintiff  
14 WSBA #42434  
15 4407 N. Division, Suite 914  
16 Spokane, WA 99207  
17 (509) 484-5611  
18 skinkley@qwestoffice.net



V. Answers to Request for Production of Documents

I certify as an attorney for the defendant that I have read the Answers to Interrogatories and they comply with the Federal Rules of Civil Procedure.

Dated this 2nd day of September, 2010.

  
Carl E. Hueber

Winston & Cashatt

Attorneys for Defendant Suttell & Hammer, PS

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF King )

\_\_\_\_\_, being first duly sworn on oath, deposes and says:

I am the authorized representative of the Defendant Suttell & Hammer, P.S., I have read the above and foregoing Answers to Interrogatories, know the contents thereof, and believe the same to be true and correct.

SUBSCRIBED AND SWORN to before me this \_\_\_\_ day of September, 2010.

\_\_\_\_\_  
Notary Public in and for the State of  
Washington residing at \_\_\_\_\_  
My commission expires \_\_\_\_\_

DEFENDANT SUTTELL'S ANSWERS  
TO PLAINTIFF'S FIRST SET OF  
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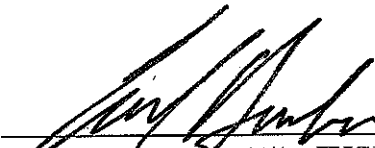
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1 I hereby certify that on September 2, 2010, I served the foregoing document on  
2 counsel for plaintiff via hand delivery to:

3 Michael Kinkley and Scott Kinkley  
4 Michael D. Kinkley P.S.  
5 4407 N. Division, Suite 914  
6 Spokane, WA 99207

7 and via first class US Mail, postage prepaid, to:

8  
9 Heath M. Irvine  
10 Law Offices of Heath M. Irvine  
11 6107 N. Astor Street  
12 Spokane, WA 99208-8102

13  
14   
15 CARL E. HUEBER, WSBA #12453  
16 WINSTON & CASHATT, LAWYERS  
17 A Professional Service Corporation  
18 Attorneys for Defendants

19 200795

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DEFENDANT SUTTELL'S ANSWERS  
TO PLAINTIFF'S FIRST SET OF  
INTERROGATORIES -- 10

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